

Amendments to the Claims:

The following listing of claims will replace all prior versions, and listings, of claims in the application:

1-13. (Canceled)

14. (Currently Amended) A travel motion control apparatus for a hydraulically driven vehicle, comprising:

a hydraulic pump that is driven by a driving motor and outputs hydraulic operating oil inside a tank;

a travel motion motor that is driven with pressure oil supplied from the hydraulic ~~pump~~; pump and is a variable displacement motor;

a travel motion control valve that is disposed between the hydraulic pump and the travel motion motor, controls a flow rate of the pressure oil supplied from the hydraulic pump to the travel motion ~~motor~~ motor, and includes a pressure oil supply port through which the pressure oil is supplied to the travel motion motor and a return port through which the pressure oil returns to the tank;

a counterbalance valve disposed between the travel motion motor and the travel motion control valve, which is controlled by a travel pressure output from the hydraulic pump;

an operation device with which the travel motion control valve is operated;

a displacement volume control device that controls a displacement volume of the travel motion motor in correspondence to the travel pressure at the travel motion motor;

a rotation rate detection device that detects a rotation rate of the travel motion motor;
and

an over rotation prevention device that reduces a rotation rate of the travel motion motor if the rotation rate detection device detects a rotation rate equal to or higher than a

predetermined rotation rate upper limit while the travel motion control valve is being operated with the operation device is being operated device, wherein:

the over rotation prevention device increases the displacement volume of the travel motion motor regardless of motor displacement volume control executed by the displacement volume control device if the rotation rate detection device detects a rotation rate equal to or higher than the rotation rate upper limit.

15. (Currently Amended) A travel motion control apparatus for a hydraulically driven vehicle according to claim 14, wherein:

~~the travel motion motor is a variable displacement travel motion motor;~~

the rotation rate upper limit assumes a value equal to or smaller than an allowable rotation rate limit of the travel motion motor; and

the over rotation prevention device increases a displacement volume of the travel motion motor to a predetermined value smaller than a maximum displacement volume if the rotation rate detection device detects a rotation rate equal to or higher than the rotation rate upper limit.

16. (Currently Amended) A travel motion control apparatus for a hydraulically driven vehicle according to claim 14, wherein:

~~the travel motion motor is a variable displacement travel motion motor;~~

~~there is provided a displacement volume control device that controls the displacement volume of the motor in correspondence to the travel pressure at the travel motion motor;~~

~~the over rotation prevention device increases the displacement volume of the travel motion motor regardless of motor displacement volume control executed by the displacement volume control device if the rotation rate detection device detects a rotation rate equal to or higher than the rotation rate upper limit; and~~

control for increasing the displacement volume of the travel motion motor is stopped once the rotation rate of the travel motion motor becomes equal to or less than a predetermined rotation rate lower limit which is at least lower than the rotation rate upper limit and the displacement volume of the travel motion motor is controlled by the displacement volume control device in correspondence to the traveling pressure.

17-23. (Canceled)

24. (Previously Presented) A travel motion control apparatus for a hydraulically driven vehicle according to claim 15, wherein:

if the rotation rate detection device detects a rotation rate equal to or higher than the rotation rate upper limit, the over rotation prevention device gradually increases the displacement volume of the travel motion motor.

25. (Previously Presented) A travel motion control apparatus for a hydraulically driven vehicle according to claim 16, wherein:

if the rotation rate detection device detects a rotation rate equal to or higher than the rotation rate upper limit, the over rotation prevention device gradually increases the displacement volume of the travel motion motor.

26. (Canceled)

27. (Previously Presented) A travel motion control apparatus for a hydraulically driven vehicle according to claim 15, wherein:

the over rotation prevention device increases the displacement volume of the travel motion motor so that the displacement volume of the travel motion motor becomes 40% to 70% of a maximum displacement volume of the travel motion motor.

28. (Previously Presented) A travel motion control apparatus for a hydraulically driven vehicle according to claim 16, wherein:

the over rotation prevention device increases the displacement volume of the travel motion motor so that the displacement volume of the travel motion motor becomes 40% to 70% of a maximum displacement volume of the travel motion motor.

29. (Previously Presented) A hydraulically driven vehicle comprising a travel motion control apparatus according to claim 14.

30. (Previously Presented) A wheel hydraulic excavator comprising a travel motion control apparatus according to claim 14.

31. (New) A travel motion control apparatus for a hydraulically driven vehicle according to claim 14, wherein:

the over rotation prevention device adjusts an extent to which the displacement volume of the travel motion motor is increased, in correspondence to a type of a front attachment mounted on the hydraulically driven vehicle.